

REMARKS

Applicant thanks the Examiner for the through consideration given the present application. Claims 1-10 are currently being prosecuted. The Examiner is respectfully requested to reconsider his rejections in view of the remarks as set forth below.

Rejection Under 35 USC 102

Claims 1-10 stand rejected under 35 USC 102 as being anticipated by Chen (US Patent 7,081,883). This rejection is respectfully traversed.

The Examiner states that Chen shows a trackball structure including a body, a capacity located in the body, a trackball housed in the capacity and a plurality of sensors located in the capacity surrounding the trackball. Applicant disagree with the Examiner's understanding of the reference.

First, it is not at all clear as to which parts in the reference are being equated with the elements of the claims. The Examiner refers to a body and a capacity but does not indicate the parts that these correspond to. Applicant recognize that Figure 2 of the reference shows a body 34 and base 32. It is assumed that the Examiner is equating the base 32 to the base in the claims and the body 34 to the body in the claims. However, the claim discusses a capacity located in the body. The body 34 does not a capacity for receiving a trackball, so it is questionable as to whether this is what is meant by the Examiner. The Examiner has referred to elements 38a-h in Figure 4 to show the capacity. However, elements 38a-h are in fact the pressure sensors which are distributed in the base 32. The Examiner is requested to provide clarification on this point.

The Examiner also states that a trackball is housed in the capacity and refers to Figure 14b. However, Figure 14b is a prior art device. Applicant admits that trackballs are known in the prior art. However, nowhere in the reference is there an indication that the trackball shown in Figure 14a or b is related in any matter to the body and base arrangement shown in Figure 2 or the other Figures. The Examiner is requested to clarify how a trackball is shown in Figure 4 or the other Figures outside of Figure 14 in the reference. The Examiner states that the reference shows a plurality of sensors in the capacity surrounding the trackball and refers to Figure 4 and column 5. Applicant agrees that Figure 4 and column 5 do describe eight pressure sensors 38

around the inner wall of base 32. However, this can be read on the sensor of the present application only if the base 32 is considered to be the body. If the base 32 is equated with the body of the claim, there is no showing that the body includes an upper shell and a base. Further, if the Examiner considers the base 32 as the body and body 34 of the reference as the trackball, it is noted that the body 34 does not extend outside of the capacity as described in the claim. Further, the body is not continuously rollable as described in the claim. Instead, the body of the reference is connected by springs so that while the body can be moved horizontally and may also be twisted, it cannot be rolled continuously.

Furthermore, it is noted that Figure 13 of the reference includes a miniature trackball 96 mounted on the body 34. However, if the miniature trackball 96 is considered to be the trackball of claim 1, body 34 of the reference must equate to the body of claim 1. If this is the case, the plurality of sensors are not located in the capacity surrounding the trackball. Accordingly, Applicant submit that no matter which Figure of the reference the Examiner refers to, the elements cannot read on the parts of claim 1 as presently recited.

In regard to claim 2, the Examiner states that the reference shows an upper shell and a base in Figure 5. Applicants submit that Figure 5 shows no more than Figure 2 in having a body 34 and a base 32. It is not at all clear why the Examiner believes that this reference shows an upper shell and a base.

In regard to claim 5, the Examiner states that the body has a rolling wheel and refers to column 6. This section of column 6 refers to Figures 6a and 6B. No rolling wheel is shown in that Figure either. The movement described in that Figure and the corresponding section of column 6 refers to a twisting motion of the body 34. Accordingly, this feature is not shown.

In regard to claim 6, the Examiner refers to Figure 10 to show that the body has a plurality of button switches and a rolling wheel. Applicant sees no rolling wheel at all in this Figure. In this embodiment, the body 34 rests on a tablet rather than on a base. The Examiner is requested to explain how such a rolling wheel is shown in this Figure.

In addition to the above, Applicant submits that claim 2-10 are allowable based on their dependency from allowable claim 1.

Conclusion

In view of the above remarks, it is believed that claims clearly distinguish over the patent relied on by the Examiner. In view of this, reconsideration of the rejection and allowance of all the claims are respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Robert F. Gnuse Reg. No. 27,295 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: April 4, 2007

Respectfully submitted,

By 

Joe McKinney Muncy

Registration No.: 32,334

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant

Fo✓



#43,368